

- A provisional ballot is not counted if it is found by an election worker in the ballot box and it is not sealed in the provisional voter affidavit envelope. [T.A.C. §§ 81.172-81.174, 81.176]
- 5) Tallying straight-party vote (See Figures 10, 11 and 12.)
- Count a straight-party vote by tallying for the party receiving the vote instead of tallying for each party candidate(s). [Sec. 65.007(b)] However, if a ballot indicates a straight-party vote and a vote for an opponent of one or more of that party's nominees, a vote shall be tallied for the opponent and for each of the party's other nominees whether or not any of those nominees have received individual votes (See Figures 3 and 4). [Sec. 65.007(c)] Do not tally a straight-party vote in this situation.
  - A straight-party vote is one where the voter marks a party with the intent that all candidates of this party will receive his or her vote. [Sec. 64.004]

Candidates for	<input checked="" type="checkbox"/> PARTY A	<input type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Second Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Third Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Fourth Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Fifth Office	* <input type="checkbox"/> Candidate				
Sixth Office	* <input type="checkbox"/> Candidate				
Seventh Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Eighth Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

**Figure 10. Casting a straight-party vote by marking the party square.**  
**(The asterisks indicate the candidates for whom the ballot is counted.)**

Candidates for	<input type="checkbox"/> PARTY A	<input type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Second Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Third Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/> _____
Fourth Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate			
Fifth Office	<input type="checkbox"/> Candidate				
Sixth Office	<input type="checkbox"/> Candidate				
Seventh Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate			
Eighth Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

**Figure 11. Casting a straight-party vote by marking individual squares of all nominees of a party.**  
**(The asterisks indicate the candidates for whom the ballot is counted.)**

Candidates for	<input checked="" type="checkbox"/> PARTY A	<input type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/>
Second Office	* <input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/>
Third Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	<input type="checkbox"/>
Fourth Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Fifth Office	* <input type="checkbox"/> Candidate				
Sixth Office	* <input type="checkbox"/> Candidate				
Seventh Office	* <input checked="" type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			
Eighth Office	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/> Candidate	
Etc.					

**Figure 12. Illustration of Guideline 4.**

**One party square marked and individual candidates in the party's column also marked.  
(The asterisks indicate the candidates for whom the ballot is counted.)**

Guideline No. 4. Where only one party square is marked, and names of any or all of that party's nominees are marked individually, but no candidate outside that party is marked, the ballot must be counted as a vote for all nominees of that party whose square is marked. But do not count double the votes. This is often referred to as an "emphasis vote." Make a tally mark for the party.

- Write-in Votes.

- *In the primary election for the office of precinct or county chair, a November general election, city council officer elections, an independent or common school district trustee election, hospital district election, special elections for state representative and state senator, or other elections where declaration of write-in is required and the voter writes in the name of a person whose name is not on the list of declared write-in candidates, the vote is not counted. [Secs. 144.006, 146.031(d), 146.054, 146.055, 146.082, 171.0231 Texas Election Code; Secs. 11.056(c), 11.304, 130.081, 130.0825, Texas Education Code; Sec. 285.131, Texas Health and Safety Code; Secs. 326.0431 & 326.0432, Texas Local Government Code; Secs. 36.059, 49.101, 63.0945, Texas Water Code]*
- *In a primary election, only count write-ins for declared write-in candidates for party offices, i.e., precinct and county chair. [Sec. 172.112]*
- *If only one candidate files for precinct chair (for the ballot or as a write-in), the election for that office is not held and the county chair shall prepare a sign notifying voters that the candidate will be declared elected to the office at the time of the local canvass. An election officer shall post the sign in one or more locations in the polling place. [Sec. 171.0221]*
- *In a runoff election, no write-ins are counted. [Sec. 146.002]*
- *The first time a name is read, enter it on the tally list and also make a tally mark by the name. Each subsequent time the name is read, make a tally mark by the name. [Sec. 65.005(a)]*
- *In all elections other than those listed in subsection (a) above, all write-ins are counted. [Sec. 146.001]*



Candidates for	<input type="checkbox"/> PARTY A	<input checked="" type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		<input type="checkbox"/>
Second Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			<input type="checkbox"/>
Third Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate			* <input checked="" type="checkbox"/> <u>Joe Doe</u>
Fourth Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			
Fifth Office	* <input checked="" type="checkbox"/> Candidate				
Sixth Office	* <input checked="" type="checkbox"/> Candidate				
Seventh Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			
Eighth Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			
Etc.					

**Figure 13. Casting a write-in vote. Illustration of Guideline 5.**  
**(The asterisks indicate the candidates for whom the ballot is counted.)**

Guideline No. 5. Where voter marks straight party but votes for a declared write-in, the write-in vote is counted.

Candidates for	<input type="checkbox"/> PARTY A	<input checked="" type="checkbox"/> PARTY B	<input type="checkbox"/> PARTY C	<input type="checkbox"/> INDEPENDENT	<input type="checkbox"/> WRITE-IN
First Office	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate		* <input type="checkbox"/> <u>Joe Doe</u>
Second Office	<input type="checkbox"/> Candidate	* <input checked="" type="checkbox"/> Candidate			<input type="checkbox"/>
Third Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			<input type="checkbox"/>
Fourth Office	<input checked="" type="checkbox"/> Candidate	<input checked="" type="checkbox"/> Candidate			
Fifth Office	<input type="checkbox"/> Candidate				
Sixth Office	<input type="checkbox"/> Candidate				
Seventh Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			
Eighth Office	<input type="checkbox"/> Candidate	* <input type="checkbox"/> Candidate			
Etc.					

**Figure 14. Casting a write-in vote. Illustration of Guideline 6.**  
**(The asterisks indicate the candidates for whom the ballot is counted.)**

Guideline No. 6. Where voter fails to properly mark an "X" in the write-in box, the write-in vote may be counted if the voter has written in the name of the declared write-in candidate for elections where declarations are required or name of person in elections where they are not required and the presiding judge can determine the intent of the voter. [Secs. 52.070(e), 65.009]

A ballot voted where the voter only marked an "X" in the write-in square and did not write-in the name of a declared write-in candidate should not be counted.

## **SECTION F. USING DRE EQUIPMENT AT THE POLLING PLACE**

Closing the polls that use electronic voting devices is different than closing polls that use paper ballots, and you will be provided detailed instructions for use of the equipment by the authority conducting the election. Below are some general guidelines that should be followed, along with the detailed instructions provided locally:

1. Perform the action necessary on each voting device to officially close the polls, so no more votes can be recorded;
2. Verify and document the public count on each voting device, and any other applicable device;
3. Verify that the public count(s) equal the number of voters who signed the roster;

4. Print a minimum of 2 copies of the election results. (Note: during early voting, *do not* print out the precinct results tape.);
5. The presiding judge, an election clerk, and not more than 2 poll watchers, if one or more are present, must sign the election results;
6. Follow the instructions of the authority conducting the election, but if directed to do so, remove the memory card, or other device which stores the election totals, from the accessible voting device, and document breaking of the seal to remove the memory card (we recommend this be documented by two election officers);
7. Place copies of the election results as instructed by the authority conducting the election;
8. If applicable, place the memory card in a secure container as instructed by the authority conducting the election;
9. Disconnect the electronic voting equipment;
10. Disassemble the voting equipment, if instructed by the authority conducting the election;
11. Complete the paperwork;
12. Secure the equipment and other election materials from any unauthorized access;
13. The authority conducting the election will provide detailed instructions on how, when, and where to return the voting system equipment and supplies.



## CHAPTER 5

### CLOSING AND SECURING THE POLLING PLACE

**NOTE:** At the end of Election Day, the various forms that came out of the Election Kit (or other supply bag provided by the local authority) at the beginning of the day must be distributed to appropriate authorities in particular envelopes (5) and ballot boxes (Nos. 3 & 4). Leftover forms go back into the Election Kit (or other supply bag provided by the local authority). Signage can be taken down and placed in Ballot Box No. 4 (or other container if there is no Ballot Box No. 4). The local authority conducting the election will provide detailed instructions to supplement the procedures provided in this Chapter.

#### SECTION A. CLOSING THE POLLING PLACE

1. Officially close and lock the door to the polling place at 7:00 p.m. [Sec. 41.031(a)]
2. If people are waiting in line to vote at 7:00 p.m., they must be allowed an opportunity to present themselves for voting. [Sec. 41.032]
  - 1) Have all the people enter the polling place, if possible, and lock the door.
  - 2) If it is not possible to get all of the people waiting in line into the polling place, position an election officer after the last person in line at 7:00 p.m., or
  - 3) Distribute numbered identification cards, tokens, etc. to people waiting in line at the time for official closing of the polls. [Sec. 41.032(b)]
3. After the polling place is officially closed and the last person has voted, the presiding judge may from time to time make an unofficial announcement of the total number of votes counted for each candidate and/or for or against each proposition in the order that they appear on the ballot. [Sec. 65.015(a)]

**NOTE:** The authority conducting the election may require or prohibit such announcements. [Sec. 65.015(b)] Unofficial election results must be released by the central counting station as soon as they are available after the polls close, but the presiding judge of the central counting station, in cooperation with the county election officer (the county clerk, elections administrator, or tax assessor collector, as appropriate to the county), may choose to withhold the release of vote totals until the last voter has voted. [Sec. 127.1311]

4. *After the polls close in the general primary election, the presiding judge delivers the second list of registered voters to the precinct chair for use in qualifying precinct convention participants. [Sec. 172.1141] It should be noted that Section 174.022 of the Texas Election Code was amended by House Bill 3102 ( 2013) to provide that precinct conventions may not be held on primary election night, but on some other date as determined by rules of the state party. In such event, the presiding judge will be instructed of alternate delivery arrangements for the second list of registered voters.*
5. The election records are placed in the appropriate envelopes or containers as prescribed below depending on the type of voting method used: precinct optical scan/accessible voting equipment (e.g., DRE), precinct counter/tabulator, central counting optical scan, and hand counted paper ballots.

**NOTE:** If an electronic pollbook is used, and is not capable of generating the number of copies of forms needed as described below, and no photocopy machine is available at the polling place, the general custodian of election records shall establish the procedures to make the necessary copies described below.

6. The presiding judge must deliver Envelope No. 1 to the presiding officer of the local canvassing authority. If that officer is unavailable, the envelope shall be delivered to the general custodian of election records for delivery to the presiding officer before the time set for the local canvass of the election. [Sec. 66.051(a)]

7. The presiding judge shall deliver Envelope No. 2, Ballot Box No. 3, and Ballot Box No. 4 and its key in person to the general custodian of records. [Sec. 66.051(b)]
8. The presiding judge shall retain Envelope No. 3. [Sec. 66.051(c)]
9. The presiding judge must deliver Envelope No. 4 to the Voter Registrar, or if that officer is unavailable, to the general custodian of election records for later delivery to the Voter Registrar. [Sec. 66.051(d)]
10. The presiding judge must deliver the keys for Ballot Box No. 3 or other secured container, to:

- 1) The sheriff for an election ordered by the governor or a county authority or for a *primary election*. [Sec. 66.060(a)(1)]

**NOTE:** In a year in which the office of sheriff appears on the ballot, the key is delivered to the county judge, unless the office of county judge is also on the ballot, in which case the key is delivered to the county auditor, or to a member of the commissioners court who is not on the ballot and who is appointed by the court, if the county does not have a county auditor. [Sec. 66.060(a)(1)]

- 2) The chief of police or city marshal for an election ordered by a city authority. [Sec. 66.060(a)(2)]
- 3) The constable of the justice precinct in which the governing body's office is located, or if the constable's office is vacant, to the sheriff of the county for an election ordered by a political subdivision other than a county or city. [Sec. 66.060(a)(3)]

11. Time.

- 1) Records must be delivered to the appropriate authority immediately after the precinct returns are completed. [Sec. 66.053(a)]
- 2) When counting at the precinct level, if the judge determines that the ballots will not be counted in time to permit delivery of the records by 2:00 a.m. of the day following the election, he or she must notify the general custodian of election records by telephone between midnight of election day and 1:00 a.m. of the following day of:
  - The total number of voters voting as indicated by the poll list;
  - The vote totals tallied for each candidate and for and against each measure at the time of notification;
  - Total number of provisional votes; and
  - The expected time of finishing the count. [Sec. 66.053(b)]
- 3) In every election, the precinct election records must be delivered to the appropriate authorities not later than 24 hours after the polls close. [Sec. 66.053(c)]

12. Poll watchers may accompany election officers delivering election records. If delivery is made in a vehicle, it is sufficient to allow the watcher to follow in a different vehicle and to drive in such a manner that the watcher is able to keep the delivery vehicle in sight. [Sec. 33.060]

13. Records must be delivered to the appropriate authorities immediately after the precinct returns are completed and in any case not later than 24 hours after the polls close. [Sec. 66.053(c)]

**SECTION B. DISTRIBUTION OF ELECTION RECORDS WHEN OPTICAL SCAN BALLOTS ARE TABULATED AT POLLING PLACE OR DRES ARE USED**

1. Copies of poll lists.

- 1) There must be three copies of the poll list (four copies of combination form, if used). [Secs. 63.003(b), 66.0241(4)]



2. Five envelopes for distribution of election records are furnished with the supplies. [Sec. 66.003(a)] *(The fifth envelope is for the Statement of Compensation and is delivered to the county chair, along with Envelope No. 1.)*
  - 1) Envelope No. 1 addressed to the presiding officer of the local canvassing authority. [Secs. 66.003(b)(1), 67.002]
    - County judge (general election or election held by the county).
    - *County chair (primary election).*
    - Mayor (municipal election).
    - Presiding officer of the governing board (other elections).
  - 2) Envelope No. 2 is addressed to the general custodian of election records. [Secs. 66.001, 66.003(b)(2)]
    - County election officer (county clerk, elections administrator or tax assessor collector as appropriate to the county) (general election, election held by the county, or *primary election*).
    - City clerk or secretary (municipal election).
    - The secretary of the governing board, or if none, the presiding officer of the governing board, or as designated (other elections).
  - 3) Envelope No. 3 is addressed to the presiding judge. [Sec. 66.003(b)(3)]
  - 4) Envelope No. 4 is addressed to the Voter Registrar. [Sec. 66.003(b)(4)]
  - 5) *Envelope No. 5 is addressed to the County Chair.*
  - 6) Envelope containing cancellation requests is addressed to the general custodian of election records. [Secs. 66.026, 66.051(b)]
3. The records of the election must be distributed as follows:
  - 1) Contents of Envelope No. 1: [Sec. 66.022]
    - Printout of results tape(s).
  - 2) Contents of Envelope No. 2: [Sec. 66.023]
    - Printout of results tape(s);
    - The original of the poll list (or combination form);
    - Original of List of Provisional Voters; [T.A.C. §§ 81.172-81.174, 81.176]
    - The signature roster (or combination form);
    - The precinct early voting list;
    - Any certificates of appointment of poll watchers;
    - Original copy of Statement of Compensation (in some circumstances); [Sec. 32.094]

**NOTE:** The presiding judge must follow the instructions of the authority responsible for delivering the election supplies with respect to the time by which and the authority to whom the Statement of Compensation is delivered. The time designated for delivery may not be later than 5:00 p.m. of the third day after election day. If the authority responsible for delivering the election supplies does not indicate to whom the Statement of Compensation should be returned, place it in Envelope No. 2 for return to the custodian of election records. The election judge may also keep a copy of the Statement of Compensation.

    - The notice of the number of voters who voted during the day;
    - Notice of Defective Delivery;
    - Oaths of Election Officers; and
    - Oaths of Assistance and Oaths of Interpreters.
  - 3) Contents of Envelope No. 3: [Sec. 66.024]
    - Printout of results tape(s);



- A copy of the poll list (or combination form);
  - Copy of List of Provisional Voters;
  - A copy of the ballot register;
  - A copy of the ballot and seal certificate; and
  - A copy of the Statement of Compensation.
- 4) Contents of Envelope No. 4: [Sec. 66.0241]
- Precinct list of registered voters and supplemental list, if any;
  - The registration correction list, if any;
  - Any Statements of Residence completed at the polling place; and
  - Copy of Combination Form, if used instead of individual affidavits;
- 5) Contents of Envelope No. 5:
- *Original of the Statement of Compensation in a Primary Election.*
- 6) Contents of Box (optical scan or emergency paper ballots for accessible equipment, if any): [Sec. 66.025]
- Voted ballots;
  - Provisional Ballots and provisional ballot envelopes;  
**NOTE:** Provisional ballots may be stored in a separate container that meets the requirements of Section 51.034 of the Texas Election Code or has been approved by the Secretary of State.
  - A copy of the poll list (or combination form); and  
**NOTE:** If the poll list is too large for the pre-locked, pre-sealed ballot box, it may be placed in another secure container if such placement has been approved by the Secretary of State. [Sec. 66.025]
  - The original of the ballot and seal certificate.
  - Memory Card or any other electronic data storage medium (unless it is too bulky to put through ballot slot or if instructed by authority conducting election to place in another secured container).
- 7) Contents of Ballot Box No. 4: [Sec. 66.026]
- Printout of results tape(s) (Note: the printout in Envelope #2 should be sufficient enough to avoid placing a set in Ballot Box No. 4; see authority conducting election for further direction);
  - The original of the ballot register;
  - Voted Provisional Ballots sealed in Provisional Ballot Affidavit Envelopes (unless directed otherwise by authority conducting the election);
  - The register of spoiled ballots;
  - Any spoiled ballots;
  - Any defectively-printed ballots;
  - Any envelope containing cancellation requests and cancelled ballots; and
  - Any other unused ballots.
- NOTE:** *For the general primary election, the second list of registered voters is given to the precinct chair for use in qualifying precinct convention participants. [Sec. 172.1141] It should be noted that Section 174.022 of the Texas Election Code was amended by House Bill 3102 (2013) to provide that precinct conventions may not be held on primary election night, but on some other date as determined by rules of the state party. In such event, the presiding judge will be instructed of alternate delivery arrangements for the second list of registered voters.*

**SECTION C. DISTRIBUTION OF ELECTION RECORDS WHEN BALLOTS ARE TABULATED AT CENTRAL COUNTING STATION**

1. Copies of poll lists.
  - 1) There must be three copies of the poll list (four copies of combination form if used). [Sec. 63.003(b)]
2. Five envelopes for distribution of election records are furnished with the supplies. [Sec. 66.003(a)] *(The fifth envelope is for the Statement of Compensation and is delivered to the county chair, along with Envelope No. 1.)*
  - 1) Envelope No. 1 addressed to the presiding officer of the local canvassing authority. [Sec. 66.003(b)(1)]
    - County judge (general election or election held by the county).
    - *County chair (primary election).*
    - Mayor (municipal election).
    - Presiding officer of the governing board (other elections).
  - 2) Envelope No. 2 is addressed to the general custodian of election records. [Secs. 66.001, 66.003(b)(2)]
    - County clerk or county elections administrator (general election, election held by the county, or *primary election*).
    - City clerk or secretary (municipal election).
    - The secretary of the governing board, or if none, the presiding officer of the governing board, or as designated (other elections).
  - 3) Envelope No. 3 is addressed to the presiding judge. [Sec. 66.003(b)(3)]
  - 4) Envelope No. 4 is addressed to the Voter Registrar. [Sec. 66.003(b)(4)]
  - 5) *Envelope No. 5 is addressed to the County Chair.*
  - 6) Envelope containing cancellation requests is addressed to the general custodian of election records. [Secs. 66.026, 66.051(b)]
3. The records of the election must be distributed as follows:
  - 1) Contents of Envelope No. 1: [Sec. 66.022]
    - No records from election precinct since no votes are counted at the precinct.
  - 2) Contents of Envelope No. 2: [Sec. 66.023]
    - The original of the poll list;
    - Original of List of Provisional Voters; [T.A.C. §§ 81.172-81.174, 81.176]
    - The signature roster;
    - The precinct early voting list;
    - Any certificates of appointment of poll watchers;
    - Original copy of Statement of Compensation (in some circumstances); [Sec. 32.094]

**NOTE:** The presiding judge must follow the instructions of the authority responsible for delivering the election supplies with respect to the time by which and the authority to whom the Statement of Compensation is delivered. The time designated for delivery may not be later than 5:00 p.m. of the third day after election day. If the authority responsible for delivering the election supplies does not indicate to whom the Statement of Compensation should be returned, place it in Envelope No. 2 for return to the custodian of election records. The election judge may also keep a copy of the Statement of Compensation.

    - The notice of the number of voters who voted during the day;



- Notice of Defective Delivery;
  - Oaths of Election Officers; and
  - Oaths of Assistance and Oaths of Interpreters.
- 3) Contents of Envelope No. 3: [Sec. 66.024]
- A copy of the poll list;
  - Copy of List of Provisional Voters;
  - A copy of the ballot register;
  - A copy of the ballot and seal certificate; and
  - A copy of the Statement of Compensation.
- 4) Contents of Envelope No. 4: [Sec. 66.0241]
- Precinct list of registered voters and supplemental list, if any;
  - The registration correction list, if any;
  - Any Statements of Residence completed at the polling place; and
  - Copy of Combination Form, if used instead of individual affidavits.
- 5) Contents of Envelope No. 5:
- *Original of the Statement of Compensation in a Primary Election.*
- 6) Contents of Pre-locked, Pre-sealed Ballot Box: [Sec. 66.025]
- Voted ballots;
  - Provisional Ballots and Provisional Ballot Affidavit Envelopes;  
**NOTE:** Provisional ballots may be stored in a separate container that meets the requirements of Section 51.034 of the Texas Election Code or has been approved by the Secretary of State.
  - A copy of the poll list; and  
**NOTE:** If the poll list is too large for the pre-locked, pre-sealed ballot box, it may be placed in another secure container if such placement has been approved by the Secretary of State. [Sec. 66.025]
  - The original of the ballot and seal certificate.
  - Memory Card or any other electronic data storage medium (unless it is too bulky to put through ballot slot or if instructed by authority conducting election to place in another secured container).
- 7) Contents of Ballot Box No. 4: [Sec. 66.026]
- The original of the ballot register;
  - Voted Provisional Ballots sealed in Provisional Ballot Affidavit Envelopes (unless directed otherwise by authority conducting the election);
  - The register of spoiled ballots;
  - Any spoiled ballots;
  - Any defectively-printed ballots;
  - Any envelope containing cancellation requests and cancelled ballots; and
  - Any other unused ballots.
- NOTE:** *For the general primary election, the second list of registered voters is given to the precinct chair for use in qualifying precinct convention participants. [Sec. 172.1141] It should be noted that Section 174.022 of the Texas Election Code was amended by House Bill 3102 (2013) to provide that precinct conventions may not be held on primary election night, but on some other date as determined by rules of the state party. In such event, the presiding judge will be instructed of alternate delivery arrangements for the second list of registered voters.*



4. The presiding judge must deliver Envelope No. 1, which will be empty, seal Envelope No. 2, seal the opening slot to Ballot Box No. 3, and lock Ballot Box 4 as soon as they are ready for distribution. [See generally, Chapter 66 of the Texas Election Code]
5. Delivery of Ballot Boxes.
  - 1) A certificate (seal certificate) stating the number of the seal to be placed on the pre-locked, pre-sealed ballot box and the number of voted ballots placed in the container must be made out in duplicate (2 copies), signed by the presiding judge, election clerk, and two poll watchers of opposing interest (if present). [Sec. 127.036]
    - Place the original of this certificate in the pre-sealed, pre-locked ballot box.
    - Retain the other copy of the certificate with the election records in Envelope No. 3.

**NOTE:** If pre-locked, pre-sealed ballot boxes are used, you must still complete the ballot and seal certificate. This form notifies the central counting station personnel of how many ballots were cast at the polling place. Therefore, if the machine ballot count is different from the number of ballots cast, central count personnel will be on notice that there may be a tabulating problem.
  - 2) Seal the slot of the pre-sealed, pre-locked ballot box. If the container is a ballot box with an opening through which voted ballots can be deposited, the opening must be sealed with a paper seal and signed by the presiding judge, an election officer, and two watchers of opposing interest (if present). [Sec. 127.036 (for prepared ballot boxes) and Sec. 127.066 (for sealed ballot boxes)] If the box is designed so that a wire hasp seal is needed to seal the ballot box, the serial number must also be included on the ballot and seal certificate.
  - 3) After the ballot container is sealed, two election officers must immediately deliver the ballot container to the central counting station.
    - Poll watchers may accompany election officers delivering ballot container(s). If delivery is made in a vehicle, an election officer complies with this section if the officer permits the watcher to follow in a different vehicle and drives in a manner that enables the watcher to keep the vehicle in sight. [Sec. 33.060]
    - Exchange the ballot box for a receipt signed by the presiding judge of the central counting station or his or her designee.
  - 4) Ballot Box No. 4 and its key are delivered to the general custodian of election records. [Sec. 66.051(b)]
6. The presiding judge retains Envelope No. 3. [Sec. 66.003(b)(3)]
7. *Envelope No. 5 is delivered to the county chair.*
8. *After the polls close in the general primary election, the presiding judge delivers the second list of registered voters to the precinct chair for use in qualifying precinct convention participants. [Sec. 172.1141] It should be noted that Section 174.022 of the Texas Election Code was amended by House Bill 3102 ( 2013) to provide that precinct conventions may not be held on primary election night, but on some other date as determined by rules of the state party. In such event, the presiding judge will be instructed of alternate delivery arrangements for the second list of registered voters.*

**SECTION D. MAKING OUT RETURNS AND DISTRIBUTION OF ELECTION RECORDS WHEN HAND COUNTED PAPER BALLOTS ARE USED**

1. Making out the returns.
  - 1) After all ballots are counted, each tally list must be totaled and signed by the counting officer keeping it. If more than one officer has kept one particular list, each officer signs upon finishing. [Sec. 65.005(c)]
  - 2) Total each tally list to obtain the total number of votes cast for each candidate and/or for or against each proposition.
  - 3) The presiding judge must make out and sign all copies of the returns. [Sec. 65.014(c)]
2. Distribution of election returns, poll lists, and tally lists.
  - 1) There must be four copies of the returns. [Sec. 65.014(c)]
  - 2) There must be three copies of the poll list (or four copies of the combination form). [Sec. 63.003(b)]
  - 3) There must be three originals of the tally list. [Sec. 65.005]
3. Four envelopes for distribution of election records are furnished with the supplies. [Sec. 66.003(a)] *(Five in a primary election. The fifth envelope is recommended for the Statement of Compensation and is delivered to the county chair with Envelope No. 1.)*
  - 1) Envelope No. 1 is addressed to the presiding officer of the local canvassing authority. [Sec. 66.003(b)(1)]
    - County judge (general election or election held by the county).
    - *County chair (primary election).*
    - Mayor (municipal election).
    - Presiding officer of the governing board (other elections).
  - 2) Envelope No. 2 is addressed to the general custodian of election records. [Secs. 66.001, 66.003(b)(2)]
    - County clerk or county elections administrator (general election, election held by the county, *primary election*).
    - City clerk or secretary (municipal election).
    - Secretary of the governing board, or if none, the presiding officer of the governing board (other elections).
  - 3) Envelope No. 3 is addressed to the presiding judge. [Sec. 66.003(b)(3)]
  - 4) Envelope No. 4 is addressed to the voter registrar. [Sec. 66.003(b)(4)]
  - 5) *Envelope No.5 is addressed to the County Chair.*
4. The records of the election must be distributed as follows:
  - 1) Contents of Envelope No. 1. [Sec. 66.022]
    - The original of the election returns for the precinct.
    - One copy of the tally list.
  - 2) Contents of Envelope No. 2. [Sec. 66.023]
    - A copy of the precinct returns.
    - A copy of the tally list.
    - The original of the poll list (or combination form).
    - The original of the List of Provisional Voters.
    - The signature roster (or combination form).
    - The precinct early voting list.
    - Any certificates of appointment of poll watchers, if any.
    - Original Statement of Compensation (in some circumstances). [Sec. 32.094]